EUROPEAN MULTIDISCIPLINARY JOURNAL OF MODERN SCIENCE
ISSN 2750-6274 https://emjms.academicjournal.io Volume: 9 | August-2022

Normal Working Hours in the Republic of Uzbekistan and in Other Foreign Countries

Yusupov Nodirbek Abdujalilovich
Lecturer of Tashkent State University of Law

Annotation: Based on the norms of labor legislation, the types of working time are considered, in particular, the normal duration of working time in the Republic of Uzbekistan and other foreign countries.

Keywords: normal working hours, working time mode, labor code, local acts, collective agreements, regulation of working hours.

I. Types of working hours

By setting the maximum length of working time, the labor legislation guarantees all employees, regardless of the place and type of work, a limited amount of working time during which the employee performs his work duties. On the other hand, it provides a sufficient amount of rest time to recuperate. That is why the limitation of working hours is the most important guarantee of the right to rest.

The Labor Code of the Republic of Uzbekistan provides for the following types of working hours:

- normal working hours;
- reduced working hours;
- Part-time work.

These types of working hours differ from each other in their duration and the order of their establishment. According to the Labor Code of the Republic of Uzbekistan, the normal working time is defined by the Labor Code and is applied in all cases when reduced or part-time working hours are not established.

According to the first part of Article 115 of the Labor Code, the normal working time for both a six-day and a five-day working week cannot exceed forty hours per week. The duration of daily work at a particular enterprise depends on the type of working week, that is, on the number of working days per week.

In accordance with the second part of Article 115 of the Labor Code, if a six-day working week is established at the enterprise, the duration of daily work cannot exceed seven hours, and with a five-day working week eight.

II. The procedure for setting working hours

This requirement to comply with the norms of working time established by law applies to all enterprises without exception, regardless of ownership forms, as well as individuals using the labor of employees.

The following example can be given: at enterprises with a five-day working week and two

days off, a regime is established in which employees are involved in daily work for eight hours (5x8 = 40 hours). In enterprises with a six-day working week and one day off, the duration of daily work is determined in the internal regulations. For example, five days of seven hours and one day of five hours, etc.

As can be seen from the example, the duration of working time should not exceed forty hours a week in all cases and the maximum duration of work per day should be observed. When calculating the normal working time for a particular period, it is also necessary to take into account the requirements. In particular, the reduction by at least one hour of the duration of daily work on the eve of holidays and at night[1].

In the aspect of considering the issues of normal working hours, it seems appropriate to pay attention to how the above norms are reflected in the legislation of foreign countries.

In the vast majority of Western countries, laws and collective agreements are the instrument for regulating working hours. They determine the normal length of working time — the working week and the working day[2].

As scientists A.M.Lushnikov bother, today in the countries of the UK and the USA, the length of working hours of women and youth is limited by law, and for the majority of employees it is determined only in collective agreements [3].

III. Foreign experience

According to I.Kiselyov in countries where the length of working time is fixed both in the law and in collective agreements, the level of working time in collective agreements is lower than in the law. This is explained by the fact that the reduction of working hours occurs mainly through amendments to collective agreements, while legislation reduces the duration of working hours after collective agreements after a certain period of time [4].

The most common standard in the West is a 40-hour work week under the law and a 35-40-hour work week under collective agreements. This is the normal length of the working week (without overtime). In some countries (France), the unit of normal working time is a week, and in other countries (Germany, Great Britain, USA) it is a week and a day[5].

Among the specialized regulatory legal acts regulating a significant part of labor relations, the Labor Code occupies.

Unlike the Republic of Uzbekistan and other foreign countries, Germany, England and the USA do not have a single codified regulatory act regulating labor relations [6].

The duration of working time in Germany is determined by the Law "On Working Time"[7].

The law establishes the duration of the working day, which is 8 hours, but under certain conditions this norm can be increased to 10 hours. The duration of the working week in Germany is 40 hours a week, but if an employee wishes to work beyond the established norm, a working week of up to 60 hours is allowed, with subsequent compensation.

According to some scientists, the German law on working hours does not regulate working hours in all details, being limited to regulating the maximum allowable working day, breaks and the minimum rest time after a working day, this is evidenced by the fact that the law on working time is limited only by prescriptions for the preservation of workers' health and the prohibition of work on Sundays and weekends[8].

In France, working hours are established by the French Labor Code, in which the normal working time is 35 hours per week, while the maximum possible working week (including overtime) is 48 hours [9].

As some scientists emphasize, France differs in the policy of regulating working time among all European countries in two aspects at once – the strong participation of the state in

establishing legislative norms on working time and the highest priority of the employment institute to ensure full employment, that is, the establishment of guarantees of the right to work [10].

Also, collective agreements in France provide for a 35-hour working week. Working hours over 35 hours are considered overtime [11].

A distinctive feature of US labor law is its extreme decentralization. Practically all labor rights and obligations of both the employee and the employer are determined at the level of contracts and agreements[12].

In turn, there is no legal definition of working time in the United States, however, the Code of Federal Regulations establishes the concept of a working week, which means a period of time lasting 168 hours per week[13].

When fixing this definition, the American legislator included in the concept of the working week the period of time during which an employee is involved in work (daytime work, night and overtime work).

The Law "On Fair Working Conditions" establishes a normal working time - no more than 40 hours per week. In practice, the employer has the right to involve employees in overtime work, but is obliged to pay it at least one and a half times [14].

An important difference in the legal regulation of working hours in the United States is that the states have fairly broad powers in the field of regulating labor relations and have the right to adopt their own laws, which often worsen the legal situation of employees compared to the current federal legislation.

The normal length of working time in the UK is regulated by the Regulation "On Working Time" (The Working Time Regulations), which has its own characteristics in comparison with other countries. A special feature is that the country has a 48-hour working week.

The Regulation "On Working Time" provides for the maximum duration of working time, including overtime, which should not exceed the average value of 48 hours every seven days.

However, according to the legislation of the United Kingdom, working time is any period of time during which an employee is at the disposal of the employer and performs his labor functions and duties. E this period of time includes: the time spent by the employee for lunch if it is associated with the employee's work function; the time spent by the employee on professional development related to his work function; the time spent at the workplace waiting for the distribution of work; the time waiting for a call, provided that the employee was present at the workplace and others.

The number of hours that an employee has worked during a week, according to the Regulation "On Working Time", is calculated for a period of time amounting to 17 weeks. This period of time is called the "reference period", that is, the base period[15-21].

Conclusion

Thus, an employee can work an average of 48 hours per week counted for the specified base period. The base period can be extended to 26 weeks in some cases, such as work in hospitals, in the armed forces, emergency services or the police.

Based on the analysis, it can be concluded that collective agreements in most foreign countries are a source of labor law, but their correlation with labor legislation is different. In relation to the Republic of Uzbekistan, collective agreements specify, improve the operation of centralized acts, adapt them to the conditions of specific organizations and, on the basis of legislation, regulate issues related to working hours.

References

1. Гасанов М.Ю., Сарымсакова Г.К. Правовое регулирование рабочего времени и времени отдыха. Т. ИПТД ООО «Фуқаролик жамияти», С. 30.
2. Киселев И.Я. Сравнительное и международное трудовое право. Учебник для вузов. — М. Дело, 1999. — 728 с.
3. Лушников А.М., Лушникова М.В. Курс трудового права: Учебник: В 2 т. Т. 2. Коллективное трудовое право. Индивидуальное трудовое право. Процессуальное трудовое право. – М. Статут, 2009. – С. 436.
4. Ismailov, S. A. (2018). Problems of legal regulation of differentiation in the labor sphere. Review of law sciences, 2(1), 14.
5. Mukhammadaliyevich, K. M. SYSTEMATIC VIOLATION BY A WORKER OF HIS LABOUR DUTIES.
6. Каримжонов, М. (2020). ОСОБЕННОСТИ ПРИМЕНЕНИЯ ДИСЦИПЛИНАРНЫХ ВЗЫСКАНИЙ В ОТНОШЕНИИ ОТДЕЛЬНЫХ КАТЕГОРИЙ РАБОТНИКОВ В УСЛОВИЯХ КАРАНТИНА. Review of law sciences, (2).
7. Каримжонов, М. (2017). ОПЫТ ЗАРУБЕЖНЫХ СТРАН В ОТНОШЕНИИ РЕГУЛИРОВАНИЯ ПЕНСИЙ ПО ИНВАЛИДНОСТИ. Review of law sciences, 1(1).
8. Челидзе С. Понятие и режимы рабочего времени в Германии:традиции и новации/Сравнительное трудовое право. № 4, 2010.